

COUNCIL MEETING

OCTOBER 9, 2013

The Council Meeting of the Council of the County of Kaua'i was called to order by the Council Vice Chair Nadine K. Nakamura at the Council Chambers, 4396 Rice Street, Room 201, Līhu'e, Kaua'i, on Wednesday, October 9, 2013 at 9:38 a.m., after which the following members answered the call of the roll:

Honorable Gary L. Hooser
Honorable Ross Kagawa
Honorable Nadine K. Nakamura
Honorable Mel Rapozo
Honorable JoAnn A. Yukimura

Excused: Honorable Tim Bynum
Honorable Jay Furfaro

Ms. Nakamura: Good morning. I am going to call this meeting to order. I just want to say that we have two (2) excused absences this morning from Chair Furfaro and Councilmember Bynum, so it will be just the five (5) of us this morning. May I have an approval of the agenda, please?

APPROVAL OF AGENDA.

Mr. Rapozo moved for approval of the agenda as circulated, seconded by Mr. Kagawa, and carried by a vote of 5:0:2 (*Mr. Bynum and Mr. Furfaro were excused*).

PUBLIC COMMENT.

Pursuant to Council Rule 13(e), members of the public shall be allowed a total of eighteen (18) minutes on a first come, first served basis to speak on any agenda item. Each speaker shall be limited to three (3) minutes at the discretion of the Chair to discuss the agenda item and shall not be allowed additional time to speak during the meeting. This rule is designed to accommodate those who cannot be present throughout the meeting to speak when the agenda items are heard. After the conclusion of the eighteen (18) minutes, other members of the public shall be allowed to speak pursuant to Council Rule 12(e).

Ms. Nakamura: Under "Public Comment," would anyone like to comment? Seeing no one, we will go to the next item. Can you please read the minutes?

MINUTES of the following meetings of the Council:

July 9, 2013 Special Council Meeting
July 10, 2013 Special Council Meeting
July 31, 2013 Public Hearing re: Bill No. 2491

Ms. Yukimura: Madame Chair, may I ask for one (1) more deferral on the July 31, 2013 Public Hearing minutes?

Ms. Nakamura: Okay. We would like to approve July 9, 2013 Special Council Meeting minutes and the July 10, 2013 Special Council Meeting minutes.

Mr. Kagawa moved to approve the Minutes of the July 9, 2013 Special Council Meeting and July 10, 2013 Special Council Meeting as circulated, seconded by Ms. Yukimura, and carried by a vote of 5:0:2 (*Mr. Bynum and Mr. Furfaro were excused*).

Ms. Yukimura moved to defer the Minutes of the July 31, 2013 Public Hearing re: Bill No. 2491, seconded by Mr. Kagawa, and carried by a vote of 5:0:2 (*Mr. Bynum and Mr. Furfaro were excused*).

Ms. Yukimura: Thank you.

Ms. Nakamura: May we go to the Consent Calendar?

CONSENT CALENDAR:

C 2013-332 Communication (09/04/2013) from the County Engineer, transmitting for Council consideration, amendments to the Fiscal Year 2013-2014 Capital Improvements Budget, by Revising the Amounts Estimated in the Bond Fund and Sewer Trust Fund. (*Islandwide SCADA System - \$371,213.00 (Bond Fund), \$365,029.00 (Sewer Trust Fund)*): Mr. Kagawa moved to receive C 2013-332 for the record, seconded by Mr. Rapozo, and carried by a vote of 5:0:2 (*Mr. Bynum and Mr. Furfaro were excused*).

C 2013-333 Communication (09/04/2013) from the County Engineer, transmitting for Council consideration, amendments to the Fiscal Year 2013-2014 Capital Improvements Budget, by Revising the Amounts Estimated in the Bond Fund. (*Waimea R-1 Water Distribution System Improvements - \$209,450.00*): Mr. Kagawa moved to receive C 2013-332 for the record, seconded by Mr. Rapozo, and carried by a vote of 5:0:2 (*Mr. Bynum and Mr. Furfaro were excused*).

There being no objections, C 2013-337 was taken out of the order.

COMMUNICATIONS:

C 2013-337 Communication (09/18/2013) from the Fire Chief, requesting Council approval to accept a donation of a 2008 Shopbuilt jet ski trailer valued at \$1,500 from the Kaua'i Lifeguard Association (KLA) to be used by the Kaua'i Fire Department's (KFD) Ocean Safety Bureau: Mr. Kagawa moved to approve C 2013-337 with a thank-you letter to follow, seconded by Mr. Rapozo.

There being no objections, the rules were suspended.

KALANI VIERRA, Ocean Safety Bureau: Good morning. My name is Kalani Vierra, Ocean Safety Bureau of the Kaua'i Fire Department.

Mr. Kagawa: Kalani, who did this come from? The Kaua'i Lifeguard Association (KLA)?

Mr. Vierra: Yes.

Mr. Kagawa: Is the trailer in pretty good shape?

Mr. Vierra: I have pictures here if you guys want to see.

Mr. Kagawa: Okay.

Mr. Vierra: The trailer is in excellent condition.

Mr. Kagawa: Thank you for getting that donation because any time we save money here at the County, it is very much appreciated. A lot of times, people will not donate because they can sell it for money. In this case, thank you very much for that. I just want to commend you because I got to see the videos that you guys have when you come into the airport. To me, it is played loud, it is very good, and it gives people awareness. We are having recent drownings because of people not knowing about the strong currents around Kaua'i. A lot of times, the people in the water are inexperienced. The commercials that play as you wait for your luggage really grabs your attention. I think it is a good thing to let the visitors know that have not been here before, that right away, they better pay attention to this and there are some dangers if they are not careful. I want to thank you for that because it definitely does not look good for our island when we have visitors who drown. I know it is not because you guys are not trying your best, but any way we can educate the public is always the best. Thank you for all of your good work with this donation. *Mahalo*, Kalani.

Mr. Vierra: Thank you.

Ms. Nakamura: Are there any more questions?
Councilmember Yukimura.

Ms. Yukimura: Good morning, Kalani. I want to thank Kapa'a Rotary for their work and your work to get that video at the airport. In here, it mentions the name "Dan Lord."

Mr. Vierra: Dan Lord is an Electrical Contractor that approached one (1) of our lifeguards on the South Shore and mentioned that he had this trailer sitting around his yard and he has no use for it, so he wanted to donate it to the lifeguard staff. That particular lifeguard called Monty Downs, President of KLA and this is where we are at today.

Ms. Yukimura: I happen to know Dan Lord and I just want to acknowledge and thank him for his generous donation to KLA, and then your donation to the County because that is a wonderful gesture, too. It is going to help us all.

Mr. Vierra: Yes. How I can see this particular equipment working for us... it will not be used on day-to-day operation, but it will definitely help us out during our training purposes and our repair jobs. It will save the driver a trip so he can take two (2) pieces of equipment out at one (1) time instead of doing two (2) trips, especially out to the North Shore.

Ms. Yukimura: That sounds like a great deal.

Mr. Vierra: Yes.

Ms. Yukimura: Thank you. Is it built in to have upkeep of this trailer?

Mr. Vierra: We will put it into our inventory and then we will have our periodical inspections, servicing, and repairs done through our County system.

Ms. Yukimura: Okay, because we want to make this donation last as long as we can.

Mr. Vierra: Yes, I agree.

Ms. Yukimura: Very good. Thank you and *mahalo* to Dan Lord.

Ms. Nakamura: Are there any other questions or comments?
Councilmember Rapozo.

Mr. Rapozo: By the looks of your fire trucks and equipment, I do not think we will have a problem taking care of the trailer. You guys have the best looking equipment around. I also want to thank the donors, but I do want to offer a special *mahalo*, Kalani. I was able to go to your Junior Lifeguard Awards Banquet. It was an eye opening experience watching those kids and the videos that were professionally put together. Kalani does a fantastic job with that program and he is a humble guy, so now that we have you up here and we have an opportunity— she is probably going crazy thinking, “Mel, ask a question or give it up because we are stalling time.” But this is an opportunity to say thank you, Kalani, for what you have done with that program and with the water safety program in general, as well. Just your commitment to ocean safety— you are one (1) of those who is silent, humble, and quiet, but the public needs to know that face and your contributions to this island. Thank you very much and keep up the good work. Good luck next year at the competitions.

Mr. Vierra: Thank you.

Ms. Nakamura: Thank you very much. If there are no further comments or questions, we will come back to our regular session.

There being no objections, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2013-337 with a thank-you letter to follow was then put, and carried by a vote of 5:0:2 (*Mr. Bynum and Mr. Furfaro were excused*).

Ms. Nakamura: Thank you very much for your good work.
Let us go to the top of page two (2).

C 2013-334 Communication (09/19/2013) from the Salary Commission, transmitting for Council information, the Salary Commission's Resolution No. 2013-01, Relating to the Salaries of Certain Officers and Employees of the County of Kaua'i: Mr. Rapozo moved to receive C 2013-334 for the record, seconded by Mr. Kagawa.

Ms. Nakamura: We will suspend the rules. I see Paula Morikami and Amy Esaki here. Can you please introduce yourselves for the record?

There being no objections, the rules were suspended.

PAULA MORIKAMI, Boards and Commissions Administrator: Paula Morikami, Office of Boards and Commissions. With me, I have First Deputy County Attorney, Amy Esaki and in the back I have Teresa Tamura, Administrative Aide. Good morning, members of Council and Vice Chair.

Ms. Nakamura: Would you like to briefly summarize the Resolution?

Ms. Morikami: First of all, I would like to say that I apologize that the Chair and Vice Chair were not able to make it from the Salary Commission today. What this Salary Resolution does is clarifies what is included in the salaries and what is not, just so that we have an authorizing document that specifies benefits other than salaries in one (1) document. The Commission felt that the Salary Commission Resolution was an appropriate place to put it.

Ms. Nakamura: Okay. Thank you very much. Are there any questions for Amy or Paula? Councilmember Kagawa.

Mr. Kagawa: I am looking at "Article 4, Car/Cell Phone Allowance for Mayor and Councilmembers." In the second paragraph, "In addition to their respective salaries, Councilmembers shall be paid an annual amount of \$6,000 for car/cell phone allowance in lieu of mileage and cell phone reimbursement for the use of their personal automobiles and cell phones for official county business." Is that to make it how it was before?

AMY I. ESAKI, First Deputy County Attorney: Yes. You will have to provide receipts.

Mr. Kagawa: I said this at the outset. Obviously, you do not run for County Council for the money but when I did run, I knew the salary was fifty-five thousand dollars (\$55,000) and I knew there was five hundred dollars (\$500) a month gas allowance. I think I called our Clerk and asked him about five (5) months before the election was held, just to see what it was so I knew what I would be making should I be fortunate enough to place. When I did win, we got it for about six (6) months, and then it got taken away. For me, it was almost like—I said it before, but it is kind of like we got something taken away that I thought was clear to me that I would receive. That was the only reason I mentioned that. It is not an issue for me, now that I heard that there was a ruling that said that we should not have been getting it all of these years. It just happened to happen during the term that I made it. I think this is good that you are putting it in and it is clear. I think any official that decides to run should know what they are getting paid if they win. It is what it is. It should not be "you are getting paid sixty thousand dollars (\$60,000)," and then when you win, get in office, and six (6) months later, they tell you, "Okay, now you are getting paid fifty-five thousand dollars (\$55,000). To me, that is wrong. Do you have an answer? No answer, okay.

Ms. Nakamura: Councilmember Yukimura.

Ms. Yukimura: Good morning, ladies. I thought that this takes effect for the next term?

Ms. Esaki: That is correct. Under the Charter, Section 29.05, this provision will be effective for the County Council next term.

Ms. Yukimura: You do not have to say it in the Resolution?

Ms. Esaki: I believe the Charter already says it in Section 29.05.

Ms. Yukimura: Okay. What exactly does the Charter say?

Ms. Esaki: The Charter says, "No change in salary of Councilmembers shall be effective during the term in which a change is enacted or for twenty-four (24) months after a change in enacted, whichever is less."

Ms. Yukimura: That refers to salary or any other compensation?

Ms. Esaki: Yes.

Ms. Yukimura: You do not have to have it in this Resolution, but in effect because of the Charter provision, this will go into effect for the next elected Council?

Ms. Esaki: Yes, for the Councilmembers.

Ms. Yukimura: For the Police Chief— because there are issues in this Resolution, as well, regarding the uniform and gun allowance, Standard of Conduct compensation, and uniform allowance.

Ms. Esaki: Yes, for the Police Chief and Fire Chief, there is no provision in the Charter which delays that.

Ms. Yukimura: Right. Okay. Did the Salary Commission discuss the salary level for the Police Chief versus other Department Heads, given the Standard of Conduct amount?

Ms. Morikami: They were given a comparison of the salaries and other benefits, so they did get a report from the Department of Personnel Services showing the breakdown of uniform, gun, as well as the Standard of Conduct, so they were aware of it, but there was not much discussion on that.

Ms. Yukimura: The Standard of Conduct effectively gives a higher salary level or higher compensation level versus the other Department Heads. Can you send us copies of that analysis that was made? Thank you very much.

Ms. Nakamura: Councilmember Rapozo.

Mr. Rapozo: Thank you. I just want clarification. The Charter is specific to salaries, right?

Ms. Esaki: Yes.

Mr. Rapozo: It is not other compensation? My concern is similar to Councilmember Yukimura's, which is if I read this Resolution, the Resolution would authorize the payments to start immediately which I do not think is appropriate. I do not feel comfortable voting on an increase and pay for myself.

If I read the Charter, it is specific to salaries. If you look at the Resolution, it says, "in addition to their respective salaries," which means this is over and above the salaries. We still have some time before we get to the actual Resolution. I am glad had was brought up during the communication. Amy, if you could double check—but we cannot amend the Resolution though.

Ms. Yukimura: Yes, we have to send it back.

Mr. Rapozo: Well, I do not believe we have the authority to amend the Resolution. Could check on that for me, Amy? I just believe it is separate from the salary. I do not think this allowance is part of the salary and the Charter is specific to salary. My concern is that a Councilmember could file a claim and say, "Hey, wait a minute. That is not my salary." I am not going to do that, but someone might. I believe that they would probably prevail because it is not...

Ms. Esaki: Under Section 3.06 of the Kaua'i County Charter, they use the word "compensation." It also says "the salary of each Councilmember shall be established in the accordance with the provisions of Article 29." The broader term, "compensation," is already referred in the Charter and it is delegated to the Salary Commission.

Mr. Rapozo: Right, that is just for them to determine compensation or salaries of the Councilmembers, but any change in the salary... if you go to the change, the part that you read earlier, it does not mention "compensation." I will leave it up to you folks. If you say it is fine, I am cool with it, but I am just concerned that "salary" is limited to "salary only," and this is an additional compensation.

Ms. Esaki: This also does not prevent you from submitting receipts to get reimbursed. That is allowed per the Charter, as well.

Mr. Rapozo: Okay. Thank you.

Ms. Nakamura: Councilmember Yukimura.

Ms. Yukimura: Yes, but the fact that you do not have to send receipts means that it could be considered as salary.

Ms. Esaki: Exactly, because it would be included in your W-2 form when you receive it at the end of the tax year.

Ms. Yukimura: Maybe all we need is a County Attorney's Opinion saying that this provision, Section 29.05, regarding the change in salaries does apply to a car/cell phone allowance, which does not require receipts or in the nature of not requiring receipts.

Ms. Esaki: Yes.

Ms. Yukimura: It would just be a confirmation that this Resolution is in compliance or it should be interpreted based on Section 29.05.

Ms. Nakamura: Do you want that in a written or oral form?

Ms. Yukimura: Written, I think.

Ms. Nakamura: Amy, can do you that by the time we get to this?

Ms. Esaki: Sure.

Ms. Yukimura: This is a Council Meeting, so we should defer acceptance? We have time because I think we have sixty (60) days to receive or reject in part or in whole. Is that right?

Ms. Esaki: Yes, that is correct.

Ms. Yukimura: I think the appropriate thing to do would be to just defer it for another meeting to give the County Attorney's Office time to give us this County Attorney Opinion.

Ms. Nakamura: What would be your preference?

Ms. Esaki: Yes, we can defer it for two (2) weeks. I will have an opinion back to you.

Ms. Nakamura: Is this a time-sensitive matter?

Ms. Esaki: No, I do not believe so. You have sixty (60) days, so you have at least until December.

Ms. Nakamura: Amy, you could prepare that opinion?

Ms. Esaki: Yes, I can.

Ms. Nakamura: Thank you. Councilmember Kagawa.

Mr. Kagawa: I just have a quick question. Not to belabor this issue, but how long was the Councilmembers getting the five hundred dollars (\$500) a month? How many terms?

Ms. Morikami: I am not sure.

Mr. Kagawa: Is it the past twenty (20) years or past ten (10) years, maybe?

Ms. Esaki: I do not have my notes before me. I am sorry.

Mr. Kagawa: That is all right.

Ms. Esaki: I can tell you the era of the Council.

Mr. Kagawa: More than ten (10)?

Ms. Esaki: It was during the time you had Councilmember Kouchi here. At that point, it changed to a set amount per month. At that time, the salary was not set or established by the Salary Commission. It was established by the Budget of the County Council annually.

Mr. Kagawa: I just thought that it would have been cleaner had it been cut before the new term started and if you established that judgment when the new Councilmembers' terms started. It is my recommendation for the future when you make a change where something has been done for ten (10) years or so; do not do the change midterm, do the change prior or after the term is up. I do not want to repeat it, but that is my recommendation. Thank you.

Ms. Nakamura: Are there any other questions for Paula or Amy? If not, thank you very much. We will come back to our session. We would like a deferral until October 23rd.

There being no objections, the meeting was called back to order, and proceeded as follows:

Mr. Rapozo: It is required to defer the communication, as well? We can receive the communication and defer the Resolution?

Ms. Nakamura: Actually, there is no separate Resolution., there is only a communication that we are deciding on.

Mr. Rapozo: Really? Is it because it is a Salary Commission Resolution?

Ms. Nakamura: Yes, exactly. It is only the communication that we will address.

Ms. Yukimura moved to defer C 2013-334, seconded by Mr. Rapozo, and carried by a vote of 5:0:2 (*Mr. Bynum and Mr. Furfaro were excused*).

Ms. Nakamura: Can we go to the next item, please?

C 2013-335 Communication (09/06/2013) from the County Engineer, requesting Council approval of the following:

- Apply for, receive, and expend Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program funds in the amount of \$26,500, which is 75% of the total project cost of \$36,000, for the development of new wind amendments for the adoption of the 2012 International Building Code (IBC) for the statewide consistency with the design requirements of the 2012 IBC;
- Accept the remaining in-kind contributions in the amount of \$9,500 (25% match) from the County of Kaua'i, the Structural Engineers Association of Hawai'i, the American Institute of Architects, and participants of the State Building Code Council.

Ms. Yukimura moved to approve C 2013-335, seconded by Mr. Rapozo.

Ms. Nakamura: Thank you. Discussion? Yes, Councilmember Yukimura.

Ms. Yukimura: Thank you. This is bringing back memories of Hurricane 'Iniki because when Hurricane 'Iniki hit and people were eager to

rebuild, we decided to propose new amendments to the Building Code so that people would rebuild in a strong manner. I just want to acknowledge the Structural Engineers Association of Hawai'i. Within several days of 'Iniki hitting came... maybe it was in the second week, but they came with a PowerPoint slideshow that they had done overnight, stayed up all night, and made presentations to show us the importance of these new Building Code amendments, which we proposed to the Council. The hearing before the Council went to midnight because there was a lot of resistance and concern about imposing new building codes on people that were struggling. The Code passed and so people rebuilt to be hurricane-resistant. Those engineers, as I recall, were so dedicated to this. Now, they are coming back in a more proactive mode before a hurricane hits us again to upgrade our Building Code based on the new wind data, I guess. Anyway, they were just astounding in their dedication to stronger buildings. It looks like they are still at it, so I just wanted to acknowledge them for that.

Ms. Nakamura: Do you have any questions of Larry Dill, who is here, or can we move on? If not, let us take a vote.

The motion to approve C 2013-335 was then put, and carried by a vote of 5:0:2 (*Mr. Bynum and Mr. Furfaro were excused*).

Ms. Nakamura: Next item, please.

C 2013-336 Communication (09/17/2013) from Councilmember Rapozo, requesting Council nominations to the Hawai'i Employer-Union Health Benefits Trust Fund (EUTF) Task Force, pursuant to Section 2 of Act 268, Session Laws of Hawai'i 2013: Mr. Kagawa moved to approve the nomination of Councilmember Mike White, Maui County Council, seconded by Ms. Yukimura.

Ms. Nakamura: Thank you. Is there discussion?

Mr. Rapozo: I am not aware if you folks had this discussion at the last meeting. This is the first time it is on the agenda. Mike White is going to be nominated by Maui. Mr. Furfaro was at the Hawai'i State Association of Counties (HSAC) meeting and he offered his support. I do not have a problem with Mr. White, but I just wanted to make sure that no one on this Council was interested in serving on this board because if there is someone who is willing to serve on this board from the Kaua'i County Council, then obviously, I will put my support behind our Councilmember. If there is no interest, then I would definitely accept the nomination of Mr. White.

Ms. Nakamura: Councilmember Yukimura.

Ms. Yukimura: Yes, I think Mr. White is a very good person and could probably represent us ably. Can we just review what the function of the Hawai'i Employer-Union Health Benefits Trust Fund (EUTF) Task Force is?

Mr. Rapozo: Ashley, do you have the legislation? It is one (1) of those task forces that when the Legislature "kicks their can down their road," they set up task forces. This is just another one of those and included in the requirement was a representative from HSAC. I can ask Ashley to provide it. If we can come back to this later, that is fine. I do not have the legislation in front of me.

Ms. Yukimura: If he is going to represent us...

Mr. Rapozo: He is going to represent HSAC.

Ms. Yukimura: Okay. HSAC will have to give him input and gather that from the other Counties regarding the Hawai'i Employer-Union Health Benefits Trust Fund.

Mr. Rapozo: Yes.

Ms. Yukimura: It would be good to know what the task force is assigned to do. Thank you.

Ms. Nakamura: Are we able to vote on this while you get that information?

Ms. Yukimura: Can we put it to the end of the agenda to get the information?

Mr. Rapozo: You might be interested in serving?

Ms. Yukimura: No, I just want to know what this task force is going to do and what kind of person should represent us on the task force based on the purpose.

Ms. Nakamura: We will move that to the end, but I also want to lend my support to Mike White. I think he would be an excellent candidate.

Mr. Rapozo: My suggestion is that if there is no one here interested or potentially interested, then we should vote because he is going to get the nomination and is he going to get there. Can we pull that legislation, Ashley? Thank you.

Ms. Yukimura: It is just about doing due diligence.

Mr. Rapozo: That is fine.

Ms. Nakamura: Okay. We are going to move it to the end of the agenda. Next item, please.

C 2013-338 Communication (09/18/2013) from the Executive on Transportation, requesting Council approval to receive, indemnify, and expend the Federal Fiscal Year 2013 Federal Transit Administration (FTA) Section 5339 Annual Apportionment provided to the County of Kaua'i in the amount of \$400,000 to improve transit operation safety and efficiency through the purchase of a Computer-Aided Dispatch and Automatic Vehicle Locator system for the fleet, additional base yard space procurement and improvements, and maintenance equipment for the transit repair shop, bus stops, and base yard facility: Ms. Yukimura moved to approve C 2013-338, seconded by Mr. Kagawa.

Ms. Nakamura: Is there any discussion?

Ms. Yukimura: Could we have our Executive on Transportation come up?

Ms. Nakamura: Sure, let us suspend the rules and ask our Executive on Transportation to come up. Good morning, Celia.

There being no objections, the rules were suspended.

CELIA M. MAHIKOA, Executive on Transportation: Good morning.
Celia Mahikoa, Executive on Transportation with the Transportation Agency.

Ms. Yukimura: Hi, Celia. Good morning. I thought maybe you could tell us some of the plans that you have for this money because I see some baseyard improvements. Is that going to help us address the commuter hours where we are having an overload and we are planning to add more buses?

Ms. Mahikoa: Yes. As far as our long-range plan that we have in trying to carry out the goals and action items that were provided within the Kaua'i Multimodal Land Transportation Plan (KMLTP), one (1) of them was... we are at maximum capacity at our baseyard right now. Public Works has been generous with us in looking for options that are short term solutions for now. This is more of a long term solution that was recommended for our operation in, one (1), addressing the higher demand for commuter service, as well as addressing operating in a "greener fashion," and having vehicles located not just in Līhu'e, but if we able to offer satellite locations for vehicle storage. That will cut down on the amount of deadhead miles that we rack up on our fleet each year. That is more of our long term strategy to address those goals.

Ms. Yukimura: I remember Mr. Charlier saying that if we could have satellite baseyards, that would cut down on deadhead miles, so the driving time and the gas costs for our drivers coming in, taking the bus out, and starting at the end?

Ms. Mahikoa: Yes.

Ms. Yukimura: So having baseyards at the end would really... in fact, I thought he said we could pay back our capital costs by our operational savings.

Ms. Mahikoa: Yes, at least a good portion of it.

Ms. Yukimura: Yes. Okay, so that is part of this grant that we are getting.

Ms. Mahikoa: Yes.

Ms. Yukimura: To the extent that it is doing computer aided dispatch and an automatic vehicle locator system. Is that going to help us also with eventually getting... what is that... kind of a program or...

Ms. Mahikoa: It would become very user friendly for the public standing at the bus stop trying to do vehicle locators, knowing when the bus is coming, and that type of information. These are not immediately purchases. This is all part of our long term plan. We are actually hoping to be able to proceed with that within in the next year. That would be ideal.

Ms. Yukimura: That is excellent. It is with these apps or something that people would be able to...

Ms. Mahikoa: Right.

Ms. Yukimura: Sometimes when I use the bus, and I do not know if I missed it, I will call dispatch and ask, "Did I miss it or is the bus still coming and it is late?" People will not have to disturb dispatchers and overload the phones there. They can just check on their own.

Ms. Mahikoa: Right, which would be ideal. Right now, it takes the individual at the bus stop having a phone with them calling our dispatcher, our dispatcher needs to contact the vehicle and find out where the vehicle is, and then the dispatcher gets back on the phone and notifies the person whether or not they have missed it.

Ms. Yukimura: Okay. Well, thank you. It is exciting to hear that you are following the Multimodal Plan. Is there anything else that you would like to feature in terms of us knowing what you are doing?

Ms. Mahikoa: The others are pretty much related to our ongoing operation. They used to be considered Section 53.09 funds, and now they are defined as Section 53.39 funds. They are for non-operational type investments, but the ongoing type of equipment that we need like shop equipment. More of those types of capital investments are what we are requesting funding for.

Ms. Yukimura: Thank you.

Ms. Nakamura: Are there any other questions for Celia? If not, thank you, Celia, for being here and addressing the questions.

Ms. Mahikoa: Thank you.

There being no objections, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2013-338 was then put, and carried by a vote of 5:0:2 (*Mr. Bynum and Mr. Furfaro were excused*).

EDR 2013-06 Communication (09/17/2013) from Mel Rapozo, Hawai'i State Association of Counties (HSAC) President, transmitting for Council consideration the following proposals to be included in the 2014 HSAC Legislative Package:

1. A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS (County of Maui)
2. A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR – H.B. 203 (County of Maui)
3. A BILL FOR AN ACT RELATING TO TRANSPORTATION (County of Maui)
4. A BILL FOR AN ACT RELATING TO LIABILITY (County of Kaua'i)
5. A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX (County of Hawai'i)
6. A BILL FOR AN ACT RELATING TO EDUCATION (County of Hawai'i)
7. A BILL FOR AN ACT RELATING TO HEALTH (County of Hawai'i)
8. A BILL FOR AN ACT RELATING TO VIDEOCONFERENCING – H.B. 358, H.D. 1, S.D. 1

- (County of Hawai'i)
9. A BILL FOR AN ACT RELATING TO HELMETS
(City & County of Honolulu)
 10. A BILL FOR AN ACT RELATING TO MOPEDS
(City & County of Honolulu)
 11. A RESOLUTION/CONCURRENT RESOLUTION URGING
THE U.S. DEPARTMENT OF STATE, THE DEPARTMENT
OF HOMELAND SECURITY AND THE UNITED STATES
ATTORNEY GENERAL TO EASE VISA RESTRICTIONS
FOR THE PEOPLE'S REPUBLIC OF CHINA
(City & County of Honolulu)
 12. A BILL FOR AN ACT RELATING TO HAWAII
EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
BOARD OF TRUSTEES (City & County of Honolulu)
 13. A BILL FOR AN ACT RELATING TO THE EMPLOYEES'
RETIREMENT SYSTEM (City & County of Honolulu)
 14. A BILL FOR AN ACT RELATING TO COUNTY
SURCHARGE ON STATE TAX (City & County of Honolulu)
*(The Economic Development (Sustainability / Agriculture /
Food / Energy) & Intergovernmental Relations Committee
recommended approval for items 1-5; motion to approve failed
for item 6; recommended approval for items 7-8; motion to
approve tied for item 9; recommended approval for item 10;
motion to approve failed for item 11; recommended approval
for items 12-14 on October 2, 2013.)*

RICKY WATANABE, County Clerk: Vice Chair, number nine (9) was listed in error on this agenda. That should have been made the first item on the next Committee Meeting. Let us strike out number nine (9) from today's voting.

Ms. Nakamura: Do we need a motion to delete that?

Mr. Watanabe: We can entertain a motion.

Mr. Kagawa moved to approve EDR 2013-06 as recommended by the Economic Development (Sustainability / Agriculture / Food / Energy) & Intergovernmental Relations Committee, seconded by Ms. Yukimura.

Ms. Nakamura: Can we do that for all except numbers two (2), five (5), and nine (9)? Can we redo that motion, please?

Mr. Rapozo: If I may?

Ms. Nakamura: Yes.

Mr. Rapozo: Your suggestion is that we take the Committee's recommendations for all items except for numbers two (2), five (5), and nine (9)?

Ms. Nakamura: That is correct.

Ms. Yukimura: Number nine (9) is already out.

Mr. Watanabe: It will be on the next Committee Meeting because there was a tie vote in Committee. It was listed on this agenda erroneously.

Mr. Kagawa withdrew the motion to approve EDR 2013-06, and Ms. Yukimura withdrew the second.

Mr. Rapozo moved to approve EDR 2013-06 as recommended by the Economic Development (Sustainability / Agriculture / Food / Energy) & Intergovernmental Relations Committee except for numbers two (2), five (5), and nine (9), seconded by Mr. Kagawa.

Ms. Nakamura: Is there any discussion? Councilmember Yukimura.

Ms. Yukimura: Number six (6) is in then?

Ms. Nakamura: The recommendation I believe for number six (6) was not to approve.

Ms. Yukimura: Okay, so it is not part of the motion if the motion was to approve the Committee's recommendations except for numbers two (2), five (5), and nine (9). I just wanted to clarify that we are not voting on number six (6).

Mr. Rapozo: Yes, I am assuming number six (6) is out.

Ms. Yukimura: And so was number eleven (11), right?

Mr. Rapozo: Yes.

Ms. Yukimura: Okay. Number nine (9) is on the next agenda in Committee. We are looking at numbers one (1), three (3), four (4), seven (7), eight (8), ten (10), twelve (12), thirteen (13), and fourteen (14).

Ms. Nakamura: Yes. Is there any further discussion?

Mr. Rapozo: So we are talking about all items except for numbers two (2), five (5), and nine (9)?

Ms. Nakamura: Yes.

Mr. Rapozo: Okay, I call for the question. The motion was to approve the Committee's recommendation.

Ms. Nakamura: Yes.

Mr. Rapozo: Okay.

Ms. Nakamura: Is there any further discussion?

Mr. Hooser: These are approving all items except for items two (2), five (5), and nine (9).

Mr. Rapozo: Well, approving the Committee's recommendation.

Mr. Hooser: Number six (6)?

Ms. Yukimura: That is not the Committee's recommendation that is why. The motion is the Committee's recommendation minus numbers two (2), five (5), and nine (9). It is also number six (6)...

Mr. Rapozo: If you vote "aye," it means that you are voting to remove numbers six (6) and eleven (11) from the list.

Ms. Yukimura: It is not even on the table.

Mr. Hooser: The Committee recommended an item on every single item.

Mr. Rapozo: Correct.

Mr. Hooser: So the motion is for all of the Committee's recommendations.

Ms. Nakamura: Right.

Mr. Hooser: The recommendation that failed on item six (6) would fail on this motion?

Ms. Nakamura: Correct.

Mr. Rapozo: If you vote "aye."

Mr. Hooser: Okay. So the items that were tied; what happened to those?

Mr. Rapozo: There was only one (1).

Mr. Hooser: That was number nine (9).

Mr. Rapozo: Correct, so for that one, we just need to remove it altogether.

Mr. Hooser: Okay. Otherwise, we are just voting to concur with the Committee's recommendations.

Ms. Nakamura: Exactly.

Mr. Hooser: Okay. Thank you, Mr. Clerk, for that clarification. The confusing semantics is except for numbers two (2), five (5), and nine (9). Basically, we are voting to concur with the Committee's recommendations on all items.

Ms. Nakamura: That is correct.

Mr. Hooser: Okay, I am ready to vote.

Ms. Yukimura: I have a question.

Ms. Nakamura: Yes, Councilmember Yukimura.

Ms. Yukimura: Basically, this College of Pharmacy one, which is number six (6); we are voting that out, too? Okay. We got some testimony in favor of it, but we are thinking that it is not timely at this point.

Mr. Rapozo: Unfortunately, I was not here at the Committee discussion and I do not want to reopen that wound, so I will go along with what the Committee recommends for today. I do not have any strong positions on many of these, except for item number (5) which I am supporting that we take that separate.

Ms. Nakamura: Okay.

The motion to approve EDR 2013-06 as recommended by the Economic Development (Sustainability / Agriculture / Food / Energy) & Intergovernmental Relations Committee except for numbers two (2), five (5), and nine (9) was then put, and carried by a 4:0:2:1 vote (*Mr. Bynum and Mr. Furfaro excused; Mr. Hooser's vote is silent*).

Ms. Nakamura: Let us go to item number (2). Mr. Clerk, can you please read that Bill?

Mr. Clerk: Number two (2) is a Bill for an Act Relating to Intoxicating Liquor, H.B. 203, County of Maui.

Ms. Nakamura: Thank you very much. I believe we have Mauna Kea Trask, Deputy County Attorney, to address concerns raised at the Committee Meeting. Thank you for being here. I am going to turn it over to Councilmember Yukimura, who I believe had a question.

Mr. Rapozo moved to approve item number two (2), seconded by Mr. Kagawa.

There being no objections, the rules were suspended.

Ms. Yukimura: Thank you. Good morning, Mauna Kea.

MAUNA KEA TRASK, Deputy County Attorney: Good morning.

Ms. Yukimura: This proposed Bill would remove the cap on expenditures for prevention and treatment. I think it is a ten percent (10%) cap right now. It allows fees of a Liquor Commission to be used without limitation for adolescent drug treatment. Have you seen the Bill?

Mr. Trask: I have.

Ms. Yukimura: Okay. There was just the question of whether fees could legally be used like that. I did request an opinion, but we never got an answer from the County Attorney's Office back in 2012. I know you have been working with Vice Chair and I on another matter, so you are familiar with the issue.

Mr. Trask: Correct.

Ms. Yukimura: Are you ready to give us an opinion verbally?

Mr. Trask: I am. I apologize for that. In a manner of explanation, as we continue to work on this issue, both you, Councilmember Nakamura and I, and Staff; it is my recollection that we had spoken informally and we kind of moved away from the original request. We are looking at other issues.

Ms. Yukimura: We are looking at an alternative to this Bill.

Mr. Trask: It was my understanding that no further opinion was needed, but I have prepared some material today. Essentially, in further explaining the specific amendments; currently under Hawai'i Revised Statutes, Section 281-17(a)(3), the liquor commissions may have the power to control, supervisor, and regulate the manufacturer, importation, and sale of liquors by investigation, enforcement, and education provided that any educational program shall be limited to commission staff, commissioners, liquor control adjudication board members, licensees, and their employees, and shall be financed through moneys collected from the assessment of fines against licensees, provided... so there is a proviso in the current law—that fine money is not to exceed ten percent (10%) of fines accumulated may be used to fund public liquor related educational enforcement programs. That qualification is removed from that specific section.

Furthermore, under Section 281-17, another section is added, "(c)." The commission shall also have the power to provide funding to the County for public and private programs that are intended to prevent and treat alcohol abuse within that County. That is the second amendment. It seems to expand what they can do with the money. However, in Section 2 of the proposed House Bill, Section 281-17.5 is amended, Section (b). The amendment states, "In essence any such liquor license fees or any money collected or received by any liquor commission under this chapter may only be used for alcohol abuse education, prevention, and treatment programs and costs and expenses directly relating to operational and administrative costs actually incurred by the liquor commission collecting or receiving those liquor fees or moneys. Such fees or moneys shall not be used for any costs or expenses other than those directly relating to its operation and administration, except as otherwise provided by law." That is the specific amendments. In effect, if you look at it, the amendments almost expand in one (1) section of the law, but then it clearly qualifies and contracts in another. The reason why, from my understanding, is that under the law, there is a difference between a "fee" and a "tax." A fee is generally described as "exchange for a service rendered or benefit conferred and the amount of the fee normally bears the relationship to the value of the service or benefit." Whereas "taxes" are generally defined as "burdens or charges imposed by legislative authority on persons or property to raise money for public purposes or more briefly an imposition for the supply of the public treasury." A fee needs to be directly related to the fee collecting agency or department. A tax is much more expansive and done via legislation. The issues or concerns are; does the House Bill run afoul of that distinction? It is tough because if you look at the first half, it appears to run afoul. If you look at the second half, it looks like it was reined in so it is not to offend it. I do not really know how it is going to go, but that is the issue.

Ms. Nakamura: Councilmember Yukimura.

Ms. Yukimura: Arguably, that limitation at the end, which says it can only be used for alcohol abuse education, prevention, and treatment, directly related to the operations and administrative costs incurred by the Liquor

Commission in collecting and receiving means it really cannot be used for much of treatment prevention.

Mr. Trask: It seems in opposite to the first part.

Ms. Yukimura: Right. It is partly because they are trying to keep the distinction of fees versus taxes and relate to the administrative costs of the Liquor Commission but in doing so, they severely limit its usefulness for alcohol treatment and prevention.

Mr. Trask: It is a creative way to address the delineating line between the two (2).

Ms. Yukimura: I think Council Vice Chair and I have said that we want to see how to access liquor related money to offset or pay for the needs created by the use and abuse of liquor, but we are looking at the tax end because we think that the breadth allowed by the taxes will be more effective.

Mr. Trask: Yes. Can I talk about that briefly?

Ms. Nakamura: I do not think that is on the agenda, so if we do not mind sticking to the agenda and actually this specific Bill.

Mr. Trask: Okay.

Ms. Yukimura: Right.

Ms. Nakamura: Are there any other questions for Mauna Kea? If not, thank you very much for being here.

Mr. Trask: Thank you.

There being no objections, the meeting was called back to order, and proceeded as follows:

Ms. Nakamura: Is there any discussion? Councilmember Rapozo.

Mr. Rapozo: Thank you. I am assuming that we did not have any input from our Liquor Department at the Committee level.

Ms. Yukimura: No, but we have had it in the discussions that we have been pursuing.

Mr. Rapozo: I do not know about the discussions.

Ms. Nakamura: Discussion with the acting Director.

Ms. Yukimura: No, now he is the official head.

Mr. Rapozo: He happens to be my brother. The reason I have not spoken to him about this Bill, believe it or not— I am just curious as to know what the position of the Liquor Department is. If somebody is going to start changing the fees or how we spend our money in the Council, I would expect to have some input.

Ms. Nakamura:
this discussion.

I think Mauna Kea has something to add to

Mr. Rapozo:

Okay. If you have the answers, that is fine.

There being no objections, the rules were suspended.

Mr. Trask: Thank you. For the record, Deputy County Attorney Mauna Kea Trask. I am also the assigned Deputy to the Liquor Department and Liquor Commission.

Mr. Rapozo:

Wonderful. I should have asked you.

Mr. Trask: This has been discussed in front of the Liquor Commission. There was an agenda request item by the Chair a while ago to look at utilizing fees to other purposes, and as also brought up in the recent Hawai'i State Liquor Commission Conference. Essentially, the Department's position is yes, currently as it stands, their position is more appropriate for a taxes issue than a fees issue. I cannot speak specifically to it, but the law also provides for the return of a portion of unused fees to the licensees at the end of every year. Our Liquor Department has a very good relationship with the licensees. It is very smooth and they work well together. My understanding for the position is that although they are looking for opportunities to expand educational opportunities and work with everybody, it would be a big regime change and policy change at this point, so it might be better to go another way.

Mr. Rapozo: I know we have an issue with the amount of moneys that we return back to the licensees each year. I think that has been going on for many years. This Bill would allow the County to utilize some of those funds for educationally purposes. That is what this is as written, instead of giving it back. Would it come from that pot is the question?

Mr. Trask: There was no longer a cap but with the qualification in 17.5, it would have to be directly related to the Commission.

Mr. Rapozo:

Right. Okay. I am good. Thank you.

Ms. Nakamura: Thank you very much for the clarification, Mauna Kea. Councilmember Yukimura.

Ms. Yukimura: I think this Bill is a really limited effect and it has a really good purpose where we all want to use liquor related money to offset liquor related impacts to society. In our exploration of the right vehicle to doing this, it is really clear that it is the taxes that would be the better way. I am hoping that maybe by next year, we will be able to propose something to HSAC and to our Economic Development (Sustainability / Agriculture / Food / Energy) & Intergovernmental Relations Committee that will be a tax instead of trying to use liquor license fees or fines because of all the limitations that allows.

Ms. Nakamura: We are exploring and learning about the cigarette tax and how they were successfully able to use that for tobacco prevention, which has really made a difference. Councilmember Hooser.

Mr. Hooser: I guess I see it a little differently. Basically, I see it as the County sending a message to the Legislature. In my experience, the messages are do not have all the "t's crossed and i's dotted" when they go over and that is part of the process. I think sending a message saying that we think "number one (1) more money needs to be spent on treatment and that the source of these funds should come from the people selling the alcohol" is an important message. I would like to send that message and let the legislators deal with it when they get there. If their attorneys tell them that they cannot do it, they will make that decision and they will look at other options as they take the process. I would be supportive of including this.

Ms. Nakamura: Councilmember Yukimura.

Ms. Yukimura: I have a question for Councilmember Hooser. Do you not think that it would be better to do a Resolution that kind of lays it out? The Bill does not even really have a lot of text explaining the rational, the compelling need, and all of that. I guess the Resolution would be from us and from HSAC if we do it as a statewide effort. That might be a clearer way of sending the message.

Ms. Nakamura: Councilmember Hooser.

Mr. Hooser: Thank you. I would say we could do both. If you really want to send a strong message, we support the HSAC effort and then we do a Resolution that goes above and beyond that.

Ms. Nakamura: Thank you. Okay. Any further discussion?
If not, let us move on.

There being no objections, the meeting was called back to order, and proceeded as follows:

The motion to approve item number two (2) of EDR 2013-06 was then put, and carried by a 4:1:2 vote (*Ms. Yukimura voting no; Mr. Bynum and Mr. Furfaro noted as excused*).

Ms. Nakamura: The next item is item number five (5), a Bill for an Act Relating to Transient Accommodations Tax (TAT), introduced by the County of Hawai'i.

Mr. Rapozo moved to receive item number five (5) of EDR 2013-06 for the record, seconded by Ms. Yukimura.

Ms. Nakamura: Thank you. Councilmember Rapozo, you have the floor.

Mr. Rapozo: Well, like the former Senator mentioned the message that we want to send over; we also have to be careful when we are sending messages over to the Legislature. This is one that I just simply do not agree with sending over that message. I think we all are very aware of the financial situation of the State, and I think the discussion at the State Capitol right now is not how they are going to give the Counties more money, but it is, in fact, "how are we going to give them less money and give them a vehicle to raise their own money?" That is the discussion at the Capitol right now. It is not "how can we get more money to the Counties?" I guess I have the benefit of being up at Capitol a lot more and hear the

talk that this may be an offensive suggestion to the Legislature, more specifically to Senator Donna Mercado Kim, who has been a very strong advocate of reducing the TAT to the Counties. She is just one (1) of many, but I think the general feeling at the Capitol is that they want to start providing opportunities for the Counties to raise their own funds. Doubling the TAT is not going to happen. I would bet any one of you a quarter that that is not going to happen. To send this over— I am just worried about the consequences, and then for the selfish reason that I have to be the one to talk to Donna Mercado Kim, presenting this Bill, and saying that we want you to double our TAT. I went to her last year and it was rough. I will not be supporting this here. I wish it was a possibility but I do not think it is, so I am saying that is one that we should remove from the package. I am very anxious to hear from the former leader Hooser.

Ms. Nakamura: Councilmember Yukimura, and then
Councilmember Hooser.

Ms. Yukimura: I will yield to the Senator first.

Mr. Hooser: This is interesting. If you want my two (2) cents, which I guess you are asking for, I would say again maybe similarly, just off the top of my head; one (1) does not preclude the other. I think asking to double the TAT is perhaps reaching. I think it is not unreasonable to ask for an increase in the TAT. Taxing authority has been talked about for a long, long time and it has multiple levels to get us money. We not only need authority, but we would have to agree that we want to raise taxes and what taxes those are. I would say in terms of a likelihood, I think I would be inclined to ask for an increase in the TAT, as well as ask for more authority. Whether we use that authority, how we use that authority, and when we use that authority is another question. I understand if I am correct, that the issue on the table is a doubling of the amount, and that complicates things. Also, to start the conversation, which I said earlier is what this is all about, I would have suggested a smaller amount... whatever, twenty percent (20%) or thirty percent (30%)... find some historical basis. Back to whether or not I would vote "yes" or "no" on this issue, and whether or not I think we should support it... I wish you all the luck in the world meeting with Senator Donna Mercado Kim, who I know very well and who I have worked with. I am not sure. I have to think about that, but I think we should definitely ask for more money in the TAT. There is no question about that. Whether it should come in the form of this or not, I would have to think about it and listen to what everybody else says. I hate to ramble on. I am sorry. Taxing authority is a hard one. To figure out what kind of tax is hard. I would think a tourist tax would be more acceptable. It is a tough one. Thank you.

Ms. Nakamura: Councilmember Yukimura.

Ms. Yukimura: I am aware that there is an HSAC meeting two (2) weeks from now, and that several of you are planning to go. I think, you, as President...

Mr. Rapozo: I have to go.

Ms. Yukimura: I think you asked to have a discussion about this whole issue before the Legislature and I think it is a wise thing if we can find some unity in our request as Counties. I have been toying with some ideas that I would like to share right now. They are not totally formulated, but I think we should ask for a portfolio of taxing powers. I would like to ask for a GET (General Excise Tax) that is earmarked for transit, much as there was this surcharge for

Honolulu. GET is a regressive tax. It hurts the lower income families more, but putting it into a bus system is helping those families more, as well as the larger community by lowering traffic congesting, carbon loading, energy, and all of that. Then ask for a TAT because it is clear that so many of our County services support the visitors like Parks, Roads, Police, and Fire rescue. There is a real rationale and I think we are developing data to show that our services are heavily loaded by the visitor industry. I have not begun to think very much on this one, but even wanting to do a capital gains tax or a real estate tax to help us offset our property taxes somehow. Something like that... and then put some limits on it because the State Legislature is afraid of us taxing so crazily and the Counties have not been fully responsible in limiting our expenditures in our budgets. So something saying that maybe a County can choose two (2) out of three (3) powers to use, or else that the tourist tax cannot be more than certain percentage. I think we still need to have one (1) collection agency, so it is not about us administering a tax, but one (1) collection agency and how we allocate that, and maybe put some caps based on evidence of whatever data. We have to think of some limitations that we are willing to offer the Legislature so we show them that we want to be responsible, and we do not want to just take all of the tax money or overly burden our citizens by having State taxes and County taxes. It is going to take some thinking about this but I think a more varied approach... because the Counties are different. Maui is just saying "just give us the GET." They have a different economic situation on Maui versus us, so something that gives flexibility amongst the Counties. These are just starting ideas. I am glad to share it now because I would love to have your help in thinking this through. I do not know if we would be able to pass it through our Council process, but even a draft proposal from two (2) of us or something, and then for discussion on the 22nd. I think it would be a good thing.

Ms. Nakamura:
Councilmember Hooser.

Thank you. Is there any further discussion?

Mr. Hooser: Maybe somebody here is more familiar with the numbers in terms of historically, but the number that is in the HSAC asking for that amount; is it up to that amount? Does it greatly exceed for what we have gotten in the past? Does anybody have the answer?

Mr. Rapozo: It just doubles it. Right now, the current State law is ninety-three million dollars (\$93,000,000), I believe. All this replaces the ninety-three million dollars (\$93,000,000) with...

Ms. Nakamura: One hundred twenty-eight million dollars (\$128,000,000).

Mr. Hooser: Assuming the revenue comes in, so it just increases the cap, I believe.

Mr. Rapozo: Yes, the revenue comes in because the TAT that is allocated to the Counties is much less than what the State receives in TAT funds.

Mr. Hooser: It is not an instant increase in our budget; it depends on the revenue of the tax coming in, right?

Mr. Rapozo: Yes.

Mr. Hooser: So assuming that revenue increases, the amount we will get increases up to that amount?

Mr. Rapozo: Right. I believe the amount is— we are not going to get less than the amount that we are asking. The State generates enough TAT to cover. It is basically telling the State, because it is the law, that you are going to give the Counties a larger share. That is where I am having a problem with. You talk about relationships with the Legislature between HSAC— and I am speaking as HSAC here, not a Councilmember. If not for HSAC, we ask for all the TAT. We have to be reasonable, as well.

Ms. Nakamura: Councilmember Hooser, you still have the floor.

Mr. Hooser: Thank you, Councilmember Rapozo. After giving it a few more minutes, I think it is much easier for the State Legislature to give us... both of them are hard; both choices are going to be difficult. They would be inclined to hold on to the money and to give us some other taxing authority. I would be inclined to ask for more TAT money and ask for, after due diligence as Councilmember Yukimura has suggested, some taxing authority. I would not ask for more TAT money. Thank you.

Ms. Nakamura: Thank you for your analysis on the floor.
Councilmember Yukimura.

Ms. Yukimura: Can I just get a clarification on what you are recommending? You are saying keep TAT or do not ask for any TAT?

Mr. Hooser: I will be voting in support of the resolution.

Ms. Yukimura: Okay. Just for my clarification, this is going to be giving us more money... asking for a greater percentage...

Ms. Nakamura: If we currently receive thirteen million dollars (\$13,000,000), this would double the amount that we receive. The fourteen point five percent (14.5%); our County's share of the TAT will remain the same. It just doubles the total amount available.

Ms. Yukimura: By adding to the visitor tax?

Ms. Nakamura: No, by taking that portion off the top of the current TAT amount.

Ms. Yukimura: Okay. All the Counties would get double their share. Who would be losing out then? Hawai'i Tourism Authority (HTA)?

Ms. Nakamura: The State or HTA.

Mr. Rapozo: Everything in the Bill and in the law currently is based on an allocation to that entity; whether it is the Convention Center, HTA, and the Counties. Currently, ninety-three million dollars (\$93,000,000) of the TAT that goes to the Counties in the proportions that Kaua'i gets fourteen point five percent (14.5%) and so forth. What this Bill is saying is we are not asking the State to raise the TAT that would generate more revenue, so we can get double the County's share; we are saying... imagine if somebody at the

County level came up to us at a County during our budget and say, "Hey, we just want more. We want you guys to give us more and do not raise more money." I would have much preferred a mechanism where you are saying, "State, raise the TAT to a certain amount that could generate this additional revenue that we think the County should get." This is saying, "No, basically State, we want to take ninety-three million dollars (\$93,000,000) more money from you, and forget about the rest of the people." If I am the State legislator, that is how I see it. Granted, I believe we deserve it because we heard today from the Young Women's Christian Association (YWCA) that their funding gets cut, as well. We stand up often times to assist the State. I just think the way this Bill is written, I would have much rather see something in here that said "up to one hundred eighty-six million dollars (\$186,000,000)," so you gave the State latitude, "maybe we cannot afford to give you an additional ninety-three million dollars (\$93,000,000), but maybe we can give you thirty million dollars (\$30,000,000) or forty million dollars (\$40,000,000) more. This says, "No, State, one hundred eighty-six million dollars (\$186,000,000) will go to the Counties," with no opportunity for the State to generate the income.

Ms. Nakamura: Thank you, Councilmember Rapozo for that. I was at the Legislature last week and had some private conversations with the Senate and the House. I think I would agree with Councilmember Rapozo that this would not be well received. They both have a different take on how to proceed; one (1) saying that, we like Maui County, wants to increase either the sales or GET tax, but they also want the TAT portion to remain the same. They were saying, "No, if we are going to give you taxing authority, then we are going to take away your TAT." Then the other House not even wanting to give the authority to the Counties to have that taxing authority. I think the message was the same, that this is very much an extraordinary request. If you are going to send something up, send something that is reasonable. Whether it is the lifting of the cap or incremental increase, but the doubling would be a non-starter and would not be looked with *aloha*.

Ms. Yukimura: I think the message we send is really important, and apparently and clearly, this is not sending the right message.

Ms. Nakamura: That is why I think the dialogue that HSAC is trying to create among the Counties is so important. Even if it is not for this coming session, that ongoing dialogue with everyone, key people in the room, and hashing out ideas... because this is not a good way to have dialogue by getting a paper to saying to double. It really needs to be something that is well attended by each of the Councils' representatives.

Ms. Yukimura: If it turns out to be the year where they will determine taxing power, it is not about that it is okay for another year. We need to be ready this year. It feels like it is moving towards some decision making as to County powers this year... taxing. I do not know, but let us be ready. That is why I think this discussion on the 22nd is important.

Ms. Nakamura: Maybe you should attend, as well.

Mr. Rapozo: That is a great segment to what I would request of Councilmember Yukimura. This year, Maui County, Gladys Baisa has really pushed the HSAC to become more organized as far as their lobbying effort, but one (1) of the things— and this is my request to you, is that if you are going to be there on the 22nd, that we start having that discussion as having a statewide effort as maybe a subcommittee of HSAC that would work with the Legislature in

exactly what you are talking about. I agree. I think your discussion today is very compelling and that we need to be ready. When the State tosses something our way, we should be able to respond and either saying "yes" or "no." I think it is a great suggestion. I would ask that if you were willing to participate on the 22nd— I have actually put that on the agenda so we can have a discussion, and maybe set up a subcommittee, a statewide HSAC, which I think is better because you get the State's input, that we will be united in working with the Legislature as opposed to saying "give us double the money."

Ms. Yukimura: And with each other because if one (1) County is saying something and the other County is saying another thing, we are just really weakened by that.

Ms. Nakamura: Okay. Thank you. We have the motion on the table to receive.

The motion to receive item number five (5) of EDR 2013-06 for the record was then put, and carried by a vote of 5:0:2 (*Mr. Bynum and Mr. Furfaro were excused*).

Mr. Hooser: You guys talked me into it.

Ms. Nakamura: Okay. Let us move to the next item.

EDR 2013-07 Communication (09/19/2013) from Council Chair Furfaro, transmitting for Council consideration, a proposed Bill for an Act Making an Appropriation for the Regulation of Restricted Use Pesticides, for inclusion in the 2014 Kaua'i County Legislative Package: Ms. Yukimura moved to approve EDR 2013-07, seconded by Mr. Rapozo, and carried by a vote of 5:0:2 (*Mr. Bynum and Mr. Furfaro were excused*).

EDR 2013-08 Communication (09/25/2013) from the Mayor, transmitting for Council consideration, a proposed Bill for an Act Relating to Capital Improvement Projects for the Benefit of the Eighth Senatorial District, relating to the construction of sheltered Bus Stops and improvements to the Veterans Cemetery, for inclusion in the 2014 Kaua'i County Legislative Package: Mr. Rapozo moved to approve EDR 2013-08, seconded by Ms. Yukimura, and carried by a vote of 5:0:2 (*Mr. Bynum and Mr. Furfaro were excused*).

LEGAL DOCUMENT:

C 2013-339 Communication (09/06/2013) from the County Engineer, recommending Council approval of the Set-Aside to the County of Kaua'i for Public Park and Ancillary Purposes, Issuance of an Immediate Construction and Management Right-of-Entry pursuant to letter dated June 17, 2013, by the State of Hawai'i Department of Land and Natural Resources to the County of Kaua'i and to provide indemnification to the State of Hawai'i, Department of Land and Natural Resources for repair, reconstruction, and maintenance of the existing Moanakai Road Seawall, [por. Kapa'a Town Lots, 2nd Series, Kapa'a, Kawaihau, Kaua'i, TMK: (4) 4-5-002:023]: Ms. Yukimura moved to approve C 2013-339, seconded by Mr. Rapozo.

Ms. Nakamura: My understanding is that Doug Haigh is on vacation, but we have his boss here, Larry Dill, to answer questions if there is a need. If not, we can move on.

The motion to approve C 2013-339 was then put, and carried by a vote of 5:0:2 (*Mr. Bynum and Mr. Furfaro were excused*).

CLAIMS:

Mr. Watanabe: First of all, on C 2013-341, it is a claim filed against the County by Enterprise Holdings. It is listed as "subrogee of Teresa Tumbaga for damages to their vehicle." "As subrogee of Teresa Tumbaga" should be stricken from the posting. It should read "Communication from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Enterprise Holdings, for damages to their vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i."

Mr. Rapozo moved to amend C 2013-341 to delete the reference to subrogee, seconded by Ms. Yukimura.

C 2013-340 Communication (09/18/2013) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Thursday Hui Inc., for damages to their equipment, pursuant to Section 23.06, Charter of the County of Kaua'i: Mr. Rapozo moved to refer C 2013-340 to the County Attorney's Office for disposition and/or report back to the Council, seconded by Ms. Yukimura, and carried by a vote of 5:0:2 (*Mr. Bynum and Mr. Furfaro were excused*).

C 2013-341 Communication (09/24/2013) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Enterprise Holdings, for damages to their vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i: Mr. Rapozo moved to refer C 2013-341 to the County Attorney's Office for disposition and/or report back to the Council, seconded by Ms. Yukimura, and carried by a vote of 5:0:2 (*Mr. Bynum and Mr. Furfaro were excused*).

C 2013-342 Communication (09/26/2013) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Haidee A. Sueyasu, for unlawful detention and violation of rights, pursuant to Section 23.06, Charter of the County of Kaua'i: Mr. Rapozo moved to refer C 2013-342 to the County Attorney's Office for disposition and/or report back to the Council, seconded by Ms. Yukimura, and carried by a vote of 5:0:2 (*Mr. Bynum and Mr. Furfaro were excused*).

COMMITTEE REPORTS:

PLANNING COMMITTEE:

A report (No. CR-PL 2013-10) submitted by the Planning Committee, recommending that the following be received for the record:

"PL 2013-03 Communication (08/13/2013) from Councilmember Rapozo, requesting the presence of Ian K. Jung, Deputy County Attorney, to discuss the Grant of Pedestrian and Parking Easements that was a condition of the Kahuaina Plantation Subdivision and Kahuaina Plantation Subdivision Phase II, and its impact on the location and the State's establishment of the Ala Loa Hawaiian Trail System,"

Mr. Rapozo moved for approval of the report, seconded by Ms. Yukimura, and carried by a 5:0:2 vote (*Mr. Bynum and Mr. Furfaro is noted as excused*).

ECONOMIC DEVELOPMENT (SUSTAINABILITY / AGRICULTURE / FOOD / ENERGY) & INTERGOVERNMENTAL RELATIONS COMMITTEE:

A report (No. CR-EDR 2013-07) submitted by the Economic Development (Sustainability / Agriculture / Food / Energy) & Intergovernmental Relations Committee, recommending that the following be recommended:

“EDR 2013-06 Communication (09/17/2013) from Mel Rapozo, Hawai'i State Association of Counties (HSAC) President, transmitting for Council consideration the following proposals to be included in the 2014 HSAC Legislative Package:

1. A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS (County of Maui) **[Approved.]**
2. A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR – H.B. 203 (County of Maui) **[Approved.]**
3. A BILL FOR AN ACT RELATING TO TRANSPORTATION (County of Maui) **[Approved.]**
4. A BILL FOR AN ACT RELATING TO LIABILITY (County of Kaua'i) **[Approved.]**
5. A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX (County of Hawai'i) **[Approved.]**
6. A BILL FOR AN ACT RELATING TO EDUCATION (County of Hawai'i) **[Motion to Approve, Failed.]**
7. A BILL FOR AN ACT RELATING TO HEALTH (County of Hawai'i) **[Approved.]**
8. A BILL FOR AN ACT RELATING TO VIDEOCONFERENCING – H.B. 358, H.D. 1, S.D. 1 (County of Hawai'i) **[Approved.]**
9. A BILL FOR AN ACT RELATING TO HELMETS (City & County of Honolulu) **[Motion to Approve, Tied.]**

10. A BILL FOR AN ACT RELATING TO MOPEDS (City & County of Honolulu) **[Approved.]**
11. A RESOLUTION/CONCURRENT RESOLUTION URGING THE U.S. DEPARTMENT OF STATE, THE DEPARTMENT OF HOMELAND SECURITY AND THE UNITED STATES ATTORNEY GENERAL TO EASE VISA RESTRICTIONS FOR THE PEOPLE'S REPUBLIC OF CHINA (City & County of Honolulu) **[Motion to Approve, Failed.]**
12. A BILL FOR AN ACT RELATING TO HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND BOARD OF TRUSTEES (City & County of Honolulu) **[Approved.]**
13. A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM (City & County of Honolulu) **[Approved.]**
14. A BILL FOR AN ACT RELATING TO COUNTY SURCHARGE ON STATE TAX (City & County of Honolulu) **[Approved.]**

Mr. Hooser moved for approval of the report, seconded by Mr. Rapozo, and carried by a 5:0:2 vote (*Mr. Bynum and Mr. Furfaro is noted as excused*).

A report (No. CR-EDR 2013-08) submitted by the Economic Development (Sustainability / Agriculture / Food / Energy) & Intergovernmental Relations Committee, recommending that the following be approved:

"EDR 2013-07 Communication (09/19/2013) from Council Chair Furfaro, transmitting for Council consideration, a proposed Bill for an Act Making an Appropriation for the Regulation of Restricted Use Pesticides, for inclusion in the 2014 Kaua'i County Legislative Package,"

Mr. Hooser moved for approval of the report, seconded by Mr. Rapozo, and carried by a 5:0:2 vote (*Mr. Bynum and Mr. Furfaro is noted as excused*).

A report (No. CR-EDR 2013-09) submitted by the Economic Development (Sustainability / Agriculture / Food / Energy) & Intergovernmental Relations Committee, recommending that the following be approved:

"EDR 2013-08 Communication (09/25/2013) from the Mayor, transmitting for Council consideration, a proposed Bill for an Act Relating to Capital Improvement Projects for the Benefit of the Eighth Senatorial

District, relating to the construction of sheltered Bus Stops and improvements to the Veterans Cemetery, for inclusion in the 2014 Kaua'i County Legislative Package,"

Mr. Hooser moved for approval of the report, seconded by Mr. Rapozo, and carried by a 5:0:2 vote (*Mr. Bynum and Mr. Furfaro is noted as excused*).

COMMITTEE OF THE WHOLE:

A report (No. CR-COW 2013-18) submitted by the Committee of the Whole, recommending that the following be approved as amended for second and final reading:

"Resolution No. 2013-67 – RESOLUTION AMENDING RESOLUTION NO. 2013-02 RELATING TO THE RULES OF THE COUNCIL OF THE COUNTY OF KAUAI FOR THE ORGANIZATION OF COMMITTEES AND THE TRANSACTION OF BUSINESS,"

Mr. Rapozo moved for approval of the report, seconded by Ms. Yukimura, and carried by a 5:0:2 vote (*Mr. Bynum and Mr. Furfaro is noted as excused*).

Mr. Rapozo: Madame Chair, I would ask for a caption break at this time.

Ms. Nakamura: Yes. Thank you. Let us do a ten (10) minute caption break and return at 11:10 p.m.

There being no objections, the meeting recessed at 11:00 a.m.

The meeting reconvened at 11:19 a.m., and proceeded as follows:

Ms. Nakamura: We are back from recess. Can you read the next item on the agenda?

RESOLUTIONS:

Resolution No. 2013-55, Draft 1 – RESOLUTION ESTABLISHING A COUNCIL INVESTIGATING COMMITTEE TO INVESTIGATE THE MANAGEMENT AND IMPLEMENTATION OF THE TRANSIENT VACATION RENTAL AND FLOOD/BUILDING PERMIT ORDINANCES WITHIN THE COUNTY OF KAUAI

Mr. Rapozo: Madame Chair, we only have five (5) members today. I can count that we cannot get to four (4) on either side of the coin. This is just my suggestion because I do not want to see Mike have to come today, do a presentation, and have to return in two (2) weeks to do a presentation again for the two (2) members who are not here. I did talk to the members of the public that drove all the way in from Hanalei, and they do not have a problem with the deferral. I do not like deferrals, but I also do not want to go through an hour or two (2) of discussion, and have a deferral. I do want to state that I am still going to be supporting this Resolution, and that I would hope that the members of the Council will agree. Unless there is an overwhelming support of this Resolution or an overwhelming refusal of this Resolution, then I would suggest that we have some discussion here and offer for some testimony to be heard. I just got a note that both

Caren and Barbara will not be testifying today and they will wait for the deferral. That is pretty much my input.

Ms. Nakamura: Is there any further discussion? If not, would you like to formally make that motion?

Mr. Rapozo: Unless there is any more discussion.

Ms. Yukimura: Go ahead.

Mr. Rapozo moved to defer Resolution No. 2013-55, Draft 1, seconded by Mr. Hooser, and carried by a vote of 5:0:2 (*Mr. Bynum and Mr. Furfaro were excused*).

Ms. Nakamura: Is there anybody in the audience who wishes to testify on this matter? I do want to thank Barbara Robeson and Caren Diamond and I do apologize that you had to drive such a long way from Wainiha to be here today. This will be on the agenda on October 23rd. Thank you very much. Let us go to the next item.

Resolution No. 2013-67, Draft 1 – RESOLUTION AMENDING RESOLUTION NO. 2013-02 RELATING TO THE RULES OF THE COUNCIL OF THE COUNTY OF KAUAI FOR THE ORGANIZATION OF COMMITTEES AND THE TRANSACTION OF BUSINESS: Mr. Kagawa moved for adoption of Resolution No. 2013-67, Draft 1, seconded by Ms. Yukimura.

Ms. Nakamura: Is there any discussion?

Ms. Yukimura: We pretty much discussed it in Committee. These would be amendments to our Council Rules that allow for video conferencing of an expert witness.

Ms. Nakamura: Okay. Councilmember Rapozo.

Mr. Rapozo: What would qualify someone as an “expert?” I think my concern is that once you open up this floodgate, we will have people lining up to testify via teleconference or videoconference. What I do not see in the rule is what would qualify someone as an “expert” or a “technical expert?”

Ms. Yukimura: It is a matter determined by the Chair subject to appeal to the body, and the Chair determines that scientific, technical, or other specialized knowledge of that person will assist the Council.

Mr. Rapozo: Right. Let us assume, and I will not go into specifics, but let us say hypothetically that you had a Bill regarding pesticides. The Chair, and it could be any one of us, made a determination that there was a need to have five (5) or six (6) “experts” in his or her opinion that would help the Council. We would be tied up here watching video testimony from a Chair’s so-called “expert.” Let me hypothetically say that I am an opponent; I would have no recourse. I could not provide my experts via video conference or teleconference if the Chair would not agree. I do not have a problem if there was a qualifier. If there was a specific qualification, I think I could probably live with it. As it is written, it is really just at the whim of the Chair and the Chair could call anyone an expert if he or she believed that it would help the Council in its decision. Let us forget about my earlier example. Let us use a public safety example because I am the Public

Safety Chair. We are going through a budget discussion on tasers and I just want to convince all of you so I line up the day with speakers from the mainland like taser representatives and police departments, and with no opportunity other than who you could get present at the meeting.

Ms. Yukimura: It is the same thing that we had with expert witnesses coming here to speak. It was the determination of the Chair. If that determination is abused or is unfair, then it is up to the body to appeal the decision of the Chair. There will be a motion to allow others as witness and schedule them. If the Chair determines not and the body, Committee, or the Council disagrees with that determination, then it is subject to a vote of the body. It is not an unusual way of determining like we did in Bill No. 2491 of who the expert witnesses would be.

Mr. Hooser: I supported this earlier and I will be supporting it again. I had the similar reservations as Councilmember Rapozo. I thought, "Oh my goodness. This is going to open up the floodgates. We are going to get all kinds of stuff." But it is a modern tool of the world and it will allow us to access other people who we might not otherwise have access too. It really is going to be up to the Chair and the members, if they are not happy, to express that. If a member asks, "Would you mind having someone here?" It is our choice to say "yes" or "no." If we feel as Chair that we need to balance it for some reason because it is too lopsided, then we would just have to do that, I think. It does open up the floodgates to some extent, but it also puts more responsibility on the Chair to make the decisions needed to run the Committee efficiently and credibly. I will be supporting it.

Ms. Yukimura: We had inquired of the Environmental Protection Agency (EPA) and the United States Department of Agriculture (USDA) because they are processes that are involved in the subject matter of Bill No. 2491, and we had asked them to come... it was not because of furloughs, but because of budgetary limitations, they could not come here. Under the Sunshine Law, Chair Furfaro and I qualified to have a conference telephone call with them. It went on for more than an hour and it was very valuable information, but for them to have to do this two (2) by two (2) is really unwieldy. If we can get that kind of testimony by video conferencing, I think it is the most efficient way. Sometimes it is very important information for us to have. The process would be that the Chair would make the decision subject to an appeal to the board.

Ms. Nakamura: Councilmember Hooser, and then Councilmember Rapozo.

Mr. Hooser: Hawai'i County allows this; I know that. I am not sure how long they have been doing it, but they are doing it now and apparently it works well there.

Ms. Nakamura: Councilmember Rapozo, and then Councilmember Kagawa.

Mr. Rapozo: Hawai'i County is not one that I really would be proud to emulate, but I agree. I would feel more comfortable and maybe the proposer is willing, but if the Council determines by a majority vote that scientific, technical... I could live with that. In other words, if there was an issue coming up and someone wanted the USDA, Food and Drug Administration (FDA) or whoever, that it gets put to the Council as a vote.

Ms. Nakamura:
majority vote?

So it could be the Council or Committee by a

Mr. Rapozo: Correct. In other words, if I wanted someone here to testify and I said Committee or full Council, I would ask that my expert witness or expert person would be able to testify and offer testimony on "x, y, and z" and then we just take it to a vote. This is to benefit the Council. That is the way I read it. Usually the Chair will have a position one (1) side or the other. What this really says is if the Chair believes that expert testimony will help his or her position, he can allow them to testify. I am saying that if the Council or Committee believes that the benefit to the entire body is to have that person testify, then we should take that to a vote. I can support that. Basically, it would say is that if the Chair of the Council or the Committee determines through a majority vote that scientific, technical, or other specialized knowledge will assist the Council or Committee to understand an issue or issues, then I can deal with that. Then you can remove the challenge section... the last sentence, because it would be done by the majority of the Council.

Ms. Nakamura:

Councilmember Kagawa.

Mr. Kagawa: Thank you. Yes, I believe this can help, like Councilmember Yukimura said, to get some expert testimony. Like in the case of Bill No. 2491, having the EPA and FDA here would be nice to see if they can help in areas that the Bill covered and having this available would be a positive step in getting them to have participation at the Council meetings. I would also like to say that I think if they wanted to be here, they would be here on an issue such as Bill No. 2491. You know how difficult it has been for me to try and— I know Staff has sent, on my behalf, requests to our Hawai'i Congressional Delegation to provide input as to how they can help us deal with the regulating of pesticides and what have you. It is just a matter of the will. I cannot even get a written response, "yay or nay," or whether you are interested in helping. Yet, I can see their pictures in the paper coming for photovoltaic at schools and Kilauea Lighthouse openings. It is just that frustration. If they wanted to be here, they would be here. This is allowing another way of trying to get some help with Kaua'i being so remote. I am all for this, but again, it is going back to participation. Like I say, it is really that they are not willing to participate a lot of times and that is the problem. Thank you.

Ms. Nakamura: Thank you, Councilmember Kagawa.
Councilmember Hooser followed by Councilmember Yukimura.

Mr. Hooser: I understand the potential for abuse by a Chair, but I really think we need to honor the Chair's discretion. It is up to members to speak up and to say "no" because the way it is written now, it is at the will of the Committee. To have to vote in the advance would be cumbersome. Since we are using Bill No. 2491 as an example, I think it behooves the Chair to have balance and if expert witnesses are going to be favoring either side, it is up to the Chair to recognize that and to recognize the needs of the Committee members, so I am happy with the Resolution as it is.

Ms. Yukimura: I want to say as to Councilmember Kagawa's points that I think it is easier for Congress people to come than it is for EPA administrators. Congress people are supposed to come, as you pointed out. But nonetheless, you said there is a need and that is what we are talking about. Just for your information, we took the language from the Hawai'i Rules of Evidence,

which gives the judge the discretion to determine expertise. That can be appealed to a higher judge, but in this case we are appealing to the body. I share Councilmember Hooser's thinking that in the rush of trying to get things in the Committee so many different aspects on which to have expert witnesses and so forth, it would have been cumbersome to try to make a Committee or Council decision in a really contentious atmosphere. If it is not necessary and if people can live with the Chair's decision, I think it is easier to do that; to schedule people, do the logistics, and all of that. It is just easier if it is only one (1) person is my thinking, but there is a check. There is a check on the abuse of a Chair's decision making. I feel that would work better and more efficiently. Thank you.

Ms. Nakamura:

Any further comments?

Mr. Rapozo: The way this is written, the person can only qualify to testify if they are off-island, so would this not apply to an expert that is on Kaua'i that could not make the meeting? They would not be able to utilize the technology?

Ms. Yukimura: No, because we are thinking that they can come to the next meeting much easier than somebody from off-island.

Mr. Rapozo:

Okay, I just wanted to bring that up.

Ms. Yukimura: This is an extraordinary measure, so that is the thinking. It is off-island.

Ms. Nakamura: Thank you for the clarification.
Councilmember Kagawa.

Mr. Kagawa: I just wanted to respond to Councilmember Yukimura's comment. Two (2) weeks ago, we had the molasses spill and the EPA was in Honolulu Harbor the next day. If people are dying and getting sick, I think the EPA should come to Kaua'i. I think it is important enough. Thank you.

The motion to adopt Resolution No. 2013-67, Draft 1 was then put, and carried by the following vote:

FOR ADOPTION:	Hooser, Kagawa, Nakamura, Rapozo,	
	Yukimura	TOTAL - 5,
AGAINST ADOPTION:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	Bynum, Furfaro	TOTAL - 2,
RECUSED & NOT VOTING:	None	TOTAL - 0.

Resolution No. 2013-68 - RESOLUTION ESTABLISHING "AUTHORIZED PARKING ONLY - TOW AWAY ZONE" (NO-PARKING ZONE) AT BOTH PARKING LOTS ADJACENT TO THE COUNTY OF KAUAI POLICE DEPARTMENT BUILDING AND EMERGENCY OPERATIONS CENTER BUILDING, LIHUE DISTRICT, COUNTY OF KAUAI: Mr. Rapozo moved for adoption of Resolution No. 2013-68, seconded by Ms. Yukimura.

Ms. Nakamura: Thank you. We have Larry Dill from the Department of Public Works, Assistant Chief Alejandro Quibilan, and Deputy County Attorney Nick Courson here. Are there any members who would like these three (3) up to answer questions?

Mr. Rapozo:
with the documentation.

Unless anyone is in opposition, I am satisfied

Mr. Kagawa: I want to ask Larry if he could just quickly brief us as to where the "no parking" is. I used to coach up at the soccer fields and I used to see you there, Councilmember Nakamura. I just want to make sure because when there are big events at the Stadium, they will tend to use some areas above the soccer field, so I do not know if that affects them, but just to let the public know so they are not sneaked upon and slapped with a ticket.

Ms. Nakamura: Thank you very much, Councilmember Kagawa. I had similar concerns. Larry was off the hook on two (2) previous items, so would you mind coming up?

LARRY DILL, P.E., County Engineer: I was hoping to go three (3) for three (3) today.

Ms. Nakamura: I am sorry. But could you all introduce yourselves for the record?

There being no objections, the rules were suspended.

Mr. Dill: For the record, Larry Dill, County Engineer.

Ms. Nakamura: While we are getting the map positioned, Larry, do you want to give us just a brief overview on this Resolution?

Mr. Dill: Sure. I am going to defer to KPD a lot here because we are addressing a specific situation that they have over there that is affecting their ability to use the parking lot that is supposed to be for business for the Emergency Operations Center (EOC), Civil Defense, and for the Kaua'i Police Department. Generally speaking, as we will see in the exhibit when it comes up before us here, we are reserving the parking lot for authorized users only. Those would be there on County business, whether that be employees or for some other purpose. The Police will be the folks managing that effort up there once Public Works, given the approval of the Resolution, will go ahead and mark it out as a "No Unauthorized Parking" area. We have the exhibit up there. I think everybody knows where the EOC is and the Police Department building. This access road is here and the driveway. Over here to this parking lot, you have the Transportation Agency and Judiciary across the street. This area where you see the north arrow is the detention basin there, and then the sports field that Councilmember Kagawa was talking about further off in this direction to the south. It is pretty straightforward, I think. I am going defer to Officer Quibilan to see if he wants to share any additional background for the necessity of this.

Ms. Nakamura: I think one (1) of the questions that I had was the term "authorized users" and whether the public was considered an authorized user or public doing business in that building?

ALEJANDRE QUIBILAN, Assistant Chief: Yes. Just to clarify and answer that particular question, anyone who has business either with the Prosecutor's Office, Kaua'i Police Department, or the Civil Defense Agency are the authorized users of the parking stalls. We will be creating a public parking stalls at front of the building where the flagpole is. We were looking at this area right against the wall of the EOC. There are two (2) Americans With Disabilities Act

(ADA) parking stalls at the corner here and the flagpoles are here. This area would be what we are looking at as public parking, and then on the opposite side of this area, we have detectives and their vehicles parked this area here. The Prosecutors are currently in this area right here with Civil Defense Agency employees. This larger parking area is what we consider our employees' parking lot; Civil Defense employees, the Prosecutor's Office, and also others. As you know, there are a lot of training and meetings that go on that utilizes the EOC because you can sit maybe forty (40) people in there. That is where the problem lies is that when we have unauthorized vehicles, we have people parking on the curb and on the island. The command vehicle shelter is right in this corner here and what happens is that when they start parking on the island here, the command vehicle is so large it cannot come out and will be blocked in. We have seen that because of lack of parking or they are parked on the grass, hop the curb along the access road, and park on the grass because we are lacking parking. That is what we want to try to control to have adequate parking in the facility. Just to let you know, the back area here is our secured parking, which is all of our police vehicles. That is basically where we are at right now.

Ms. Nakamura:

Councilmember Kagawa.

Mr. Kagawa: Thank you. Basically, the problem stems when the EOC room is used as like a conference room. I went to a couple of meetings. One (1) time it was for the humpback whales and what not, but it is when those users get in?

Mr. Quibilan: At that point, yes. We have a full capacity at the Civil Defense. For the EOC, we will run out of parking stalls. The problem is we find that more than likely people who attend Court will park their cars here, especially when they have jury trial or jury selection. Then we get a phone call from the judiciary saying that they have over one hundred (100) people and their parking lot is full, and we know that they are going to come into our parking lot first if they cannot find parking there or at the judiciary, then we have authorized parking on Ka'ana Street. We know that travelers at the airport will come and park in our parking lot, especially on this extended parking because they do not want to pay; either employees or people flying off-island do not want to pay the usage of the airport parking. We will find people walking with suitcases walking across the street towards the airport.

Ms. Nakamura:
then Councilmember Rapozo.

Thank you. Councilmember Yukimura, and

Ms. Yukimura:
along Ka'ana Street.

I notice a lot of parking in the bike lanes

Mr. Quibilan:

Yes.

Ms. Yukimura: Right now, it is a dead end so it is not really used for a thoroughway, but once we do our whole Ahukini bikeway and the inserts into town. In order for that to be a viable bikeway, the cars will have to be cleared from there so when it is time, somebody needs to be either very aggressive, or that needs to be added to the "tow away zone" or something. What you are telling us is that there is a parking problem in this complex area between the Judiciary, Police, and Civil Defense.

Mr. Quibilan:

Yes.

Ms. Yukimura: If there is an overflow parking that is legitimate, where will people go?

Mr. Quibilan: Again, at this point, we are utilizing the dead end street on Ka'ana as overflow. A good example is we are still in training for our last recruit class, nineteen (19) of them, and everyone brought their own vehicle. We told them to park on Ka'ana Street. They may be off in the field self-defense training somewhere or firearms training, and their car does not move so we tell them to stay on Ka'ana Street, walk to the station, and let the employees park in the visitor parking for those individuals. We keep them kind of away. Ka'ana Street is the overflow for us and for the Judiciary. We inform them to park on Ka'ana street also.

Ms. Yukimura: I would like to suggest that possibly a task force of people from Judiciary, Police, Civil Defense, and whoever else are the so-called "stakeholders" in parking, maybe work together to look at the possibility of free bus passes for employees. The County would pay like employees pay...

Ms. Nakamura: Bulk rate.

Ms. Yukimura: Yes, bulk rate.

Ms. Nakamura: I think we have gone beyond the free...

Ms. Yukimura: It would be free, but the County would pay for it because otherwise, we would have to create parking which would be far more expensive. It would be some kind of a specialized program. I think thirty percent (30%) of Microsoft's people in Seattle do not travel by single-occupancy vehicles because Microsoft gives carpooling and free bus passes to their employees. Looking at that as a very limited... we are not giving it to all County employees, but we are giving it here to alleviate the parking problem. You would maybe work with Celia. I know a woman from Kalāheo who always ends here, transfers, and goes. I do not think this is going to fully solve it. Maybe there are some possible solutions in free bus passes.

Ms. Nakamura: Maybe the long term parking solution can be a subject of a separate item on our agenda.

Ms. Yukimura: It does not even need to be for us.

Ms. Nakamura: As long as they work on it?

Ms. Yukimura: Yes.

Ms. Nakamura: Okay. Councilmember Rapozo.

Mr. Rapozo: I do not believe we have a parking problem at the facility. You have enough stalls to cover Police, EOC, and Prosecutors, right?

Mr. Quibilan: And employees, yes.

Mr. Rapozo: We have enough. It is when the State and everybody else encroaches. The solution is not giving everybody free bus passes, but it is telling the State that you are not allowed to park in our stalls. Send them a

notice and say that when you have a jury day, occupy a part in the Stadium, and you, State, shuttle the people to the Court. We cannot solve everybody's problem. Those parking stalls, and I know because I have worked there, is sufficient for our County's operations, including the public. It is when the people coming on airplanes— so you tow their car and they are going to do it once, and when they come back from their trip and realize, "Oops, it would have been cheaper to pay my ten dollars (\$10) a day at the airport than pay a three hundred dollar (\$300) towing fee." That is what we have to do. I guess my question is, do you have a system set up where you are going to have placards or stickers so the cops know what is authorized and what is not? Obviously, the public parking area will be public parking, but anything outside of that, if they do not have a sticker then you cite them. If they are there longer than... or whatever you determine when that car needs to be towed, then you tow the car. Ka'ana can only accommodate so much. You are using that for your employees now and your recruits and I know a lot of people use that as parking, but that is our facility. If I go and park in the State parking lot right now, and I do not put money in the meter, I am going to get a ticket. If we have a public hearing here and we have five hundred (500) people in the field, the State is not helping us with any parking. I am not saying "let us go and beat up the State," but we have enough parking there to accommodate our County facility and our functions. We have just now to let the others know that if you are not here for County business, then you need to go find somewhere else to park. You can go park at the Stadium and walk or whatever. As far as the Judiciary, like I said, they can make arrangements with Stadium parking and shuttle them back and forth because it does not happen every day. Maybe hire our County bus if they want or lease the bus for a day, and have the bus run them back and forth. I do not think we should be accommodating the Judiciary and put in our County people who needs to go up there to get an abstract or to go meet with the Police or Prosecutor. I do not believe we have a parking problem. I do not suggest that we give away free busses.

Ms. Nakamura:

Thank you. Councilmember Yukimura.

Ms. Yukimura: Chief, actually do we have enough parking to accommodate meetings at the Civil Defense?

Mr. Quibilan: I am going to have to say if the EOC goes to full capacity, we may run out of parking stalls.

Ms. Yukimura: If you minus Ka'ana Street as a parking place, we probably do not have enough either, right?

Mr. Quibilan: If you take all of the cars that currently park on Ka'ana and put them into stalls?

Ms. Yukimura:

Right.

Mr. Quibilan: I think we are going to fill up all of our stalls. Just for the employees, we will take all of the stalls.

Ms. Yukimura: Yes. You cannot use Ka'ana and then you have meeting at Civil Defense, which is a County building that we want available for meetings because it is very suitable for meetings with all the Audio Visual (AV) and everything. We are going to have a problem, right?

Mr. Quibilan:

Yes.

Ms. Yukimura:

Okay. How often is jury duty?

Mr. Quibilan:
case.

I do not know... infrequent, depending on the

Ms. Yukimura: Actually, if you have jury duty and you have some overflow parking, and you do not have a Civil Defense meeting, you might be able to take some of the jury duty parking. Sometimes if we have Civil Defense meetings, they can use State parking. This thing about "each business putting up only our customers thing" is very inefficient use of parking. That is why in Līhu'e we are talking about... because we do not use one hundred percent (100%) of the parking one hundred percent (100%) of the time. If we get Mr. Charlier, he will come in...

Ms. Nakamura:
the agenda item?

Councilmember Yukimura, can we stick to

Ms. Yukimura: This is because this is a parking problem we are talking about at this place. If you do a parking analysis, you will see that there are times where you can actually share parking, and that is the most efficient use of parking. I think instead of everybody making enough parking to support their capacity parking, and then other times it is empty... or most of the times it is empty because they are not always at capacity parking. Anyway, I think it behooves the entities in this area to work together to solve the parking problem. I think it is the cheapest way you will find, actually.

Ms. Nakamura: It seems like this measure is a good short term approach to address the concerns of people parking overnight, which I am going to support. Maybe there is a long term solution that will involve further discussions among the stakeholders. I think that is what Councilmember Yukimura is suggesting and that is for you to follow-up on. Are there any other questions for the three (3) gentlemen here? If not, thank you very much for answering the questions. Thank you, Councilmember Kagawa, who would have known that we would have this much discussion, but useful discussion so thank you.

There being no objections, the meeting was called back to order, and proceeded as follows:

The motion to adopt Resolution No. 2013-68 was then put, and carried by the following vote:

FOR ADOPTION:	Hooser, Kagawa, Nakamura, Yukimura,	
	Furfaro	TOTAL – 5,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Bynum, Furfaro	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2503) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2013-754, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014, BY REVISING THE AMOUNTS

ESTIMATED IN THE BOND FUND AND SEWER TRUST FUND (*Islandwide SCADA System - \$371,213 (Bond Fund), \$365,029 (Sewer Trust Fund)*): Mr. Kagawa moved for passage of Proposed Draft Bill No. 2503 on first reading, that it be ordered to print, that a public hearing thereon be scheduled for November 6, 2013, and that it thereafter be referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee, seconded by Mr. Rapozo, and carried by the following vote:

FOR PASSAGE:	Hooser, Kagawa, Nakamura, Rapozo, Yukimura	TOTAL – 5,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Bynum, Furfaro	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Proposed Draft Bill (No. 2504) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2013-754, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014, BY REVISING THE AMOUNTS ESTIMATED IN THE BOND FUND (*Waimea R-1 Water Distribution System Improvements - \$209,450*): Mr. Kagawa moved for passage of Proposed Draft Bill No. 2504 on first reading, that it be ordered to print, that a public hearing thereon be scheduled for November 6, 2013, and that it thereafter be referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee, seconded by Mr. Rapozo, and carried by the following vote:

FOR PASSAGE:	Hooser, Kagawa, Nakamura, Rapozo, Yukimura	TOTAL – 5,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Bynum, Furfaro	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Nakamura: Thank you. Can we go back to the item that we skipped over, C 2013-336?

There being no objections, C 2013-336 was taken out of the order.

COMMUNICATIONS:

C 2013-336 Communication (09/17/2013) from Councilmember Rapozo, requesting Council nominations to the Hawai'i Employer-Union Health Benefits Trust Fund (EUTF) Task Force, pursuant to Section 2 of Act 268, Session Laws of Hawai'i 2013.

Ms. Nakamura: Thank you, Staff, for providing the Bill for an act that establishes this task force. Councilmember Yukimura, you want to speak?

Ms. Yukimura: Yes. Thank you, Ashley. This is interesting because the Bill that established this task force says that the purpose of the Bill and the formation of the task force is to examine the unfunded liability of the Hawai'i Employer-Union Health Benefits Trust Fund. It delineates who is to be a member of this task force; two (2) members from the House of Representatives, two (2) from the Senate, the Director of Finance or his designee, one (1) from the Council of Mayors, one (1) from the Hawai'i Association of Counties, four (4) from public

sector unions, one (1) from public employee retirees; and this is the most interesting, four (4) members representing the respective interests of the four (4) Counties, who shall be selected by the Governor, so it appears that Kaua'i would have one (1) other person to suggest. Probably the Governor will talk to the Mayor, but it is good to think of who in the County should be on this task force. It may be the Finance Director or his designee because this is the chance to really learn all the nuances of the system and see where our leverage and concerns can be wielded. Then it says that the task force "shall examine the unfunded liability of the Hawai'i Employer-Union Health Benefits Trust Fund including the current and projected unfunded actuarial accrued liability," our portion of which, presumably, is funded. "The availability of medical benefits plans, other than plans that pay or reimburse medical service providers under a fee for service model," so it looks like they are looking at alternatives. "The cost and benefits of alternative medical benefits plan. An evaluation of costs and process of transitioning from the current medical benefits plan to an alternative, and then an evaluation of the current structure of State and County public employers paying a percentage of health insurance premiums, and providing recommendations for a benefits plan for prospective employees." Lastly, "any other matters relevant to gaining a full and meaningful understanding of the circumstances of the trust fund." This could be a really, at minimum, informational and educational process. It would be good to have somebody representing HSAC and the Counties. I am thinking that both at HSAC and from the Counties, we should ask for periodical reports so we could be learning along with the group. Interestingly, this task force is supposed to report back to the Legislature in 2014, which gives them about three (3) months, and they have not even been formed. There is actually a budget to support this process. Anyway, presuming I do not know Mike White's full background, but I am assuming he knows County business, business, and finance, and that he could be a good representative to HSAC. I think we should make inquiry from our side as to who the Mayor is going to recommend and we may be should have some recommendations if we have any, and also ask for periodic reports from this County representative.

Ms. Nakamura:
noted on the record.

Okay. Thank you. All of those things are

Ms. Yukimura:

Thank you.

Ms. Nakamura: I think the Finance Director recommendation is a good one. I think Mike White is also the Budget Chair from Maui County.

Ms. Yukimura:

Fine.

Ms. Nakamura:
qualifications.

I am very comfortable with his

The motion to approve the nomination of Councilmember Mike White, Maui County Council, was then put, and carried by a 5:0:2 vote (*Mr. Bynum and Mr. Furfaro is noted as excused*).

Ms. Nakamura: Thank you, Councilmember Yukimura, for the due diligence. Now, this takes us to Executive Sessions, so we would like to call up the County Attorney. Would you like to read the items and call up the County Attorney?

Mr. Watanabe: The County Attorney will read the items.

Ms. Nakamura: Okay. Thank you. Our plan will be to go into Executive Session until 12:30 p.m., take a lunch break, and then take up Public Hearing at 1:30 p.m. If we are not completed with our Executive Sessions, then we will resume thereafter.

Mr. Rapozo: Are we going to do ES-670? Is that one that we are going to today, as well?

Ms. Nakamura: Would you like to defer it?

Mr. Rapozo: I am asking the members.

Ms. Nakamura: Yes.

Mr. Rapozo: That was supposedly for the earlier deferred items, so if there is no objection, I will make the motion to defer ES-670.

EXECUTIVE SESSIONS:

ES-670 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing and to discuss legal issues concerning the application and enforcement of Kaua'i County Code Chapter 8, Article 17, specifically the sections enacted under Ordinance Nos. 864, 876 and 904, and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

Ms. Yukimura: What is it?

Ms. Nakamura: ES-670.

Ms. Yukimura: Okay.

Ms. Nakamura: This was the companion item to the Transient Vacation Rentals (TVR) briefing.

Ms. Yukimura: May I ask the County Attorney a question?

Ms. Nakamura: Sure.

There being no objections, the rules were suspended.

Ms. Yukimura: Ian, your briefing for us... there are two (2) members absent, but the Koontz decision was pretty much related to this, too?

IAN K. JUNG, Deputy County Attorney: No, this would actually be a separate item, contingent on questions of the body on TVR initiatives relevant to the various ordinances.

Ms. Yukimura: Okay. It seems more appropriate, since we deferred the open agenda item, to defer this also.

Mr. Jung: Yes, it is up to the body.

Ms. Yukimura: Okay.

There being no objections, the meeting was called back to order, and proceeded as follows:

Mr. Rapozo moved to defer ES-670, seconded by Ms. Yukimura, and carried by a 5:0:2 vote (*Mr. Bynum and Mr. Furfaro is noted as excused*).

Ms. Nakamura: Can you read the next item, please?

There being no objections, the rules were suspended.

ES-681 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the purpose of this Executive Session is to provide Council with a briefing and request for authority to settle the case against the County regarding Kaua'i Beach Villas – Phase II, LLC vs. County of Kaua'i, et al., Civil No. 12-00483 (U.S. District Court), and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

Ms. Nakamura: Thank you. I will call the meeting back to order, and then ask if we can get a motion to convene into Executive Session for ES-681.

There being no objections, the meeting was called back to order, and proceeded as follows:

Ms. Yukimura moved to convene into Executive Session for ES-681, seconded by Mr. Kagawa, and carried by the following vote:

FOR EXECUTIVE SESSION:	Hooser, Kagawa, Nakamura, Rapozo, Yukimura	TOTAL – 5,
AGAINST EXECUTIVE SESSION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Bynum, Furfaro	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Nakamura: Okay. We will go into Executive Session and then come back for our Public Hearing at 1:30 p.m.

There being no objections, the meeting was recessed at 12:06 p.m.

The meeting reconvened at 1:33 p.m., and proceeded as follows:

Ms. Nakamura: We have covered everything on our agenda, so that concludes our business for the day. Thank you.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 2:25 p.m.

Respectfully submitted,



RICKY WATANABE
County Clerk

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